UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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IN RE HOLOCAUST VICTIM ASSETS LITIGATION, APPLICATION OF BURT NEUBORNE.

ORDER

CV 06-0983 (FB) (JO)

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JAMES ORENSTEIN, Magistrate Judge:

1. Following a very productive discussion on May 18, 2006, aimed at narrowing the matters in dispute, counsel agreed that by July 21, 2006, each party will submit a short letter-brief setting forth its position as to each of five areas:

a. Whether any compensation for Mr. Neuborne's work should include compensation for time spent on work described as "general counsel" duties;[1]

b. The appropriate hourly rate for Mr. Neuborne's services;

c. Whether Mr. Neuborne should receive compensation, if at all, only for 600 hours of work attributable to efforts that increased the overall class recovery;

d. Whether Mr. Neuborne is estopped from seeking payment; and

e. Whether Mr. Neuborne's compensation, if any, should be enhanced by an "excellence" multiplier.

2. Although not discussed at the conference, I direct counsel to post a copy of this order, as well as copies of each submission due by July 21, 2006, on the Internet web site for the

[1] All counsel have agreed that a resolution of this matter in Mr. Neuborne's favor will result in an agreement that the total number of hours to be credited is 1,500 hours less than the total he has claimed, while a resolution against him on this issue will result in an agreement that the total number of hours to be credited is 2,300 hours less than the total he has claimed. The agreement in this regard is without prejudice to the resolution of other issues described below

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settlement class. Any counsel who wishes to object to such dissemination of the letter-briefs should submit a letter to me by May 25, 2006, explaining the basis for the objection.

3. Upon receiving counsel's submissions, I will make a report and recommendation to the Honorable Frederic Block, United States District Judge, as to each matter. With the concurrence of all counsel, my report and recommendation will not address the issue of class notification.

4. All counsel concur that Mr. Swift's standing to assert objections is not affected by Mr. Neuborne's letter of May 15, 2006, to Judge Korman in the main litigation (docket entry 3090 in case number CV 96-4849 (ERK)).

SO ORDERED.

Dated: Brooklyn, New York
May 18, 2006

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge